

803 KAR 2:018. Refuse collection and compaction equipment standards.

RELATES TO: KRS Chapter 338

STATUTORY AUTHORITY: KRS Chapter 13A

NECESSITY, FUNCTION, AND CONFORMITY: Pursuant to the authority granted the Kentucky Occupational Safety and Health Standards Board by KRS 338.051 and 338.061, the following administrative regulation is adopted. The function of this administrative regulation is to set forth minimum safety requirements for employees with respect to the use and operation of refuse collection and compaction equipment. Necessary for effective enforcement of the purposes and policies of the Occupational Safety and Health Act which is to insure so far as is possible, safe and healthful working conditions of Kentucky workers (KRS 338.011).

Section 1. The Occupational Safety and Health Standards Board hereby adopts the safety and health standards as printed in the American National Standards Institute (ANSI) Z 245.1-1975, safety requirements for refuse collection and compaction equipment. The employer shall comply with the requirements as specified in this administrative regulation. These standards are hereby adopted by reference with the following additions, exceptions and deletions.

(1) Certain definitions as found in ANSI Z 245.1-1975, Section 2. "General Definitions" shall be revised as follows:

(a) "Employee" means any person employed except those employees excluded in KRS 338.021.

(b) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(c) "Hazardous" means any practice or condition in a place of employment which may be deemed detrimental to the safety and health of employees.

(d) "Person" means any individual, public or private corporation, political subdivision, copartnership, association, firm, estate, or other entity whatsoever, but not to include an individual employed as "maintenance personnel" or "operators" as defined in ANSI Z 245.1-1975.

Section 2. Purpose and Application. (1) The purpose of this administrative regulation is to provide in accordance with KRS 338.011, minimum safety and health standards for the protection of employee with respect to the use and operation of refuse collection and compaction equipment.

(2) This adopted standard will provide specific guidelines to employers which will assist them in the purchase of new, used or modified equipment.

(3) This administrative regulation will advise employers in the necessary safety requirements with respect to manufacturing specifications, installation, modification, maintenance and operation of refuse collection and compaction equipment.

(4) This administrative regulation shall not preempt nor preclude any specific safety or health applicable standard in effect.

(5) Unless otherwise provided, this adopted standard is intended primarily to apply to new or modified, stationary or mobile, refuse collection and compaction equipment. All modifications to existing equipment shall be made in accordance with this administrative regulation.

(6) Where safety standards have been adopted by any public agency or private concern, this administrative regulation does not modify any provision of such standard unless this administrative regulation imposes greater restrictions, in which case the provisions of this administrative regulation shall prevail.

Section 3. Reference. A copy of the American National Standards Institute (ANSI) Z 245.1-1975, incorporated by reference, may be obtained for a fee from the American National Standards

Institute, Incorporated, 1430 Broadway, New York, New York 10018 or available for review at the Department of Workplace Standards, Labor Cabinet, Frankfort, Kentucky 40601 or at a public library in Kentucky.

Section 4. Effective Date. (1) The provisions contained within ANSI Z 245.1-1975 as adopted by this administrative regulation relating to all new mobile compaction equipment and all new stationary compaction equipment are effective January 1, 1980.

(2) The provisions as discussed in ANSI Z 245.1-1975 as adopted by this administrative regulation, found in Paragraphs 5.1.3; 5.2; 6.1.(1), (3), (4), (5) and (7); and 6.2 relating to existing mobile equipment as well as Paragraphs 5.1.3; 5.2; 5.5; 6.1.2(1), (2), (3), (5) and (8) and 6.2 relating to existing stationary equipment shall be effective January 1, 1980. All other paragraphs within this ANSI Z 245.1-1975 do not apply to existing equipment. (5 Ky.R. 288; eff. 11-1-78; TAm eff. 8-9-2007; TAm eff. 9-8-2011.)